

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE AIR CARGO SHIPPING
SERVICES ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT AS TO PLAINTIFFS
CLAIMS FOR FAILURE TO PROVE
ANTITRUST DAMAGES AND FOR
DAMAGES BARRED BY THE STATUTE
OF LIMITATIONS**

PLEASE TAKE NOTICE that Pursuant to Fed. R. Civ. P. 56(a), three of the four remaining defendants, Air New Zealand Ltd., Air India Ltd., Air China Ltd., and Air China Cargo Company Ltd. (“Defendants”), respectfully move this court for an entry of summary judgment in their favor finding that: (1) Plaintiffs lack standing under the Clayton Act to pursue their antitrust claims because as a matter of law they cannot prove injury with an impact and damages model which includes competitively-set base rates, and (2) Plaintiffs’ model runs afoul of the Rules Enabling Act and Defendant’s due process rights by allowing certain putative class members (“PCMs”) to recover damages where no injury could have occurred. Alternatively, Plaintiffs’ claims for damages in earlier periods are barred by the Clayton Act’s four-year statute of limitations.

Dated: April 24, 2015

Respectfully submitted,

/s/ Roscoe C. Howard, Jr.

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CERTIFICATE OF SERVICE

I, Roscoe C. Howard, Jr., hereby certify that on April 24, 2015, a true and correct copy of the following documents were served on all counsel of record via email:

1. Defendants' Notice of Motion for Summary Judgment as to Plaintiffs' Claims for Failure to Prove Antitrust Damages Caused by the Alleged Conspiracy and for Damages Barred by the Statute of Limitations ;
2. Defendants' Memorandum of Law in Support of Summary Judgment as to Plaintiffs' Claims for Failure to Prove Antitrust Damages Caused by the Alleged Conspiracy and for Damages Barred by the Statute of Limitations; and
3. Defendants' Local Rule 56.1 Statement on their Motion for Motion for Summary Judgment as to Plaintiffs' Claims for Failure to Prove Antitrust Damages Caused by the Alleged Conspiracy and for Damages Barred by the Statute of Limitations

/s/
Roscoe C. Howard, Jr.